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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,650	12/30/2003	Lee Delson Wilhelm	19,927	6898
23556 7590 08/14/2007 KIMBERLY-CLARK WORLDWIDE, INC. Catherine E. Wolf 401 NORTH LAKE STREET NEENAH, WI 54956			EXAMINER AFZALI, SARANG	
			ART UNIT 3726	PAPER NUMBER
			MAIL DATE 08/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,650

Applicant(s)

WILHELM, LEE DELSON

Examiner

Sarang Afzali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 5/25/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/25/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/2007 has been entered.

Drawings

2. The drawings were received on 5/25/2007. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

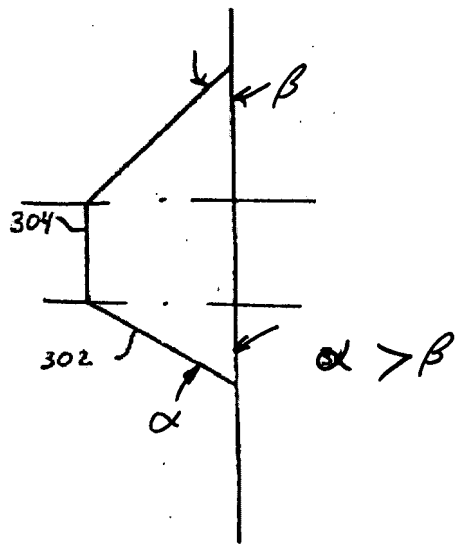
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Makoui et al. (US 2002/0007749 A1)

As applied to claims 1-5, Makoui et al. teach an apparatus comprising: a surface containing at least one embossing element (embossing element 22 of the embossing

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roller 26, Fig. 1) having a top comprising a flat surface (flat top 304, Fig. 7E); the embossing element having a first sidewall (302, Fig. 7E) extending from a base to the top having a first sidewall angle and a second sidewall (302', Fig. 7E) opposing the first sidewall (see markup of Fig. 7E), the second sidewall extending from the base to the top and having a second sidewall angle; and wherein the first sidewall angle is different than the second sidewall angle.

FIGURE 7E

In Fig. 1, Makoui et al. teach there are multiple embossing elements (24) with a pair of exterior and pair of interior first and second sidewalls separated by a gap extending from the top towards the base. Makoui et al. teach that first sidewall angle (α) is greater than the second sidewall angle (β) by about 5 degrees or more (and 15

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degrees or more) and also teach that embossing element comprises a male embossing element resulting in upstanding land areas 30 on a web material (Figs. 1 & 7E).

As applied to claim 14, Makoui et al. teach that the embossing surface comprises a metal roll (paragraph [0040], lines 11-18).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makoui et al.

As applied to claims 6, 7, 9, and 10, Makoui et al. do not specifically disclose the claimed angles of the sidewalls.

However, it would have been an obvious matter of design choice to a person of ordinary skill in the art, at the time of the invention, to have provided the claimed angles of the sidewalls, in order to provide a surface having the desired characteristics.

As applied to claims 8 and 11, Makoui et al. teach that the embossing surface comprises a metal roll (paragraph [0040], lines 11-18).

As applied to claims 12 and 13, Makoui et al. do not specifically teach the particular gap between side walls.

However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the claimed gap between the sidewalls, in order to provide a surface having the desired characteristics.

Note that Makoui et al. teach that the depth, wall angle and contour (including gap between the sidewalls) of the embossing element can be readily controlled (paragraph [0019], lines 5-9, emphasis made by the Examiner).

As applied to claim 20, Makoui et al. teach the invention cited including the metal roll but do not specifically disclose the claimed angles and gaps between the sidewalls.

However, it would have been an obvious matter of design choice to a person of ordinary skill in the art, at the time of the invention, to have provided the claimed angles of the sidewalls, in order to provide a surface having the desired characteristics and furthermore, to have provided the claimed gap between the sidewalls, in order to provide a surface having the desired characteristics.

7. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makoui et al. in view of Schulz (US 5,597,639).

Makoui et al. do not specifically teach having a radius for the first and second walls.

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Schulz teaches that it is known to round areas of embossing areas (col. 12, lines 20-22).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Makoui et al. with a radius, in light of the teachings of Schulz, in order to create an emboss pattern that is less sharp as suggested by Schulz (col. 12, line 22).

Response to Arguments

8. Applicant's arguments with respect to claims 1-16 and 20 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's argument regarding the withdrawn claims 17-19, which were erroneously marked on the Office Action Summary Sheet as 15-19 is accepted.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarang Afzali whose telephone number is 571-272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

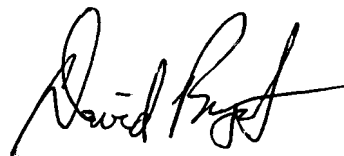
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

SA
8/6/2007



DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER

8/8/07